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IN RE: Petitions for Zoning Variance * BEFORE THE and Special Hearing E/S Deer Park Road, 2315' to ZONING COMMISSIONER c/1 of Dolfield Road (4929 Deer Park Road) OF BALTIMORE COUNTY 4th Election District 3rd Councilmanic District Case No. 88-268-SPHA David Rudolph Kessler

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioner has requested approval, pursuant to Section 500.7, of a Petition for Special Hearing for finding of a nonconforming use of a farm For the subject property and, also, a Petition for Zoning Variance from Section 101 definition of a Farmette to permit more than one horse per each acre of grazing and pasture land, all of which is more particularly described on Petitioner's Exhibit 4.

The Petitioner, represented by Robert W. Cannon, Esquire, appeared and testified. There were no Protestants. The evidence was proffered by the Petitioner's attorney.

The Petitioner requested, through their attorney, that the Petition for Zoning Variance be dismissed without prejudice by a preliminary Motion. The Motion was accepted and the Petition for Zoning Variance was dismissed without

The evidence in this matter tends to indicate that the current owners of the subject site known as 4929 Deerpark Road purchased the property in July of 1983. The Petitioner stated that the property currently contains 3.2 acres on two separate parcels. The entire property is zoned R.C.5 and is improved with a dwelling house, separate garage, separate stable area and two small storage sheds. The entire southern half of the property is fenced for a horse stable area and has been used that way for several years.

265:01/19/38:2W89

Petitioner

BEFORE THE ZONING RE: PETITION FOR COMMISSIONER SPECIAL HEARING E/S Deer Park Rd. BALTIMORE COUNTY DAVID RUDOLPH KESSLER, MARY D. KESSLER Case No. 88-268-SPHA Petitioners WITHDRAWAL AND ENTRY OF APPEARANCE

Please withdraw the appearance of Bradford G.Y. Carney, Esquire and Weinberg and Green as attorney for Petitioners and enter the appearance of Robert W. Cannon and Steven C. Hilsee on behalf of David Rudolph Kessler and Mary D. Kessler, Petitioners.

100 South Charles Street Baltimore, Maryland 21201 Telephone: (301) 332-8816

100 South Charles Street Baltimore, Maryland 21201 Telephone: (301) 332-8787 Attorneys for Petitioner

The Petitioner's testimony and the proffer information tends to establish that the subject site was used as a horse farm as early as 1961. That Mr. Wingfield has lived next door since 1961 and the land has always been a horse farm. There have been as few as four (4) horses and as many as ten (10)

Pursuant to the advertisement, posting of property, and public hearing held on the Petition and it appearing that by reason of the following finding of facts that (i) the subject property 3.2 acres in a Resource Conservation rural residential R.C. 5 zone has been red as a "Farm", under Section 101 of the B.C.Z.R., continuously since a date preceding enactment of the "Farmette" term definition, and all existing buildings and structures located on the subject property are being used in connection with permitted, conforming uses in an R.C.5 zone and are not subject to restrictions on nonconforming uses set forth in B.C.Z.R., Section 104.1.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, , this 15 day of Mirecle, 1988 that (i) the subject property may be used as a "Farm" as a valid, nonconforming use; (ii) Petitioner shall not be subject to the limitations set forth in the definition of "Farmette" (BCZR Section 101); (iii) this Order permitting continued future use of the subject property as a "Farm" not subject to the limitations set forth in the definit' , of "Farmette" is, in the Zoning Commissioner's discretion, necessary for the proper enforcement of the B.C.Z.R. and will promote public health, safety, convenience, and general welfare of the community and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order subject, however, to the following restrictions which are conditions procedent to the relief herein granted:

- 2 -

494-3353 J. Robert Haines

Baltimore County Zoning Commissioner Office of Planning & Zoning

Towson, Maryland 21204

November 20, 1987

Dennis F. Rasmussen

Mr. David Rudolph Kessler 4929 Deepark Road Owings Mills, Maryland 21117

VALIDATION OR SIGNATURE OF CASHIER

Re: Petitions for Zoning Variance and Special Hearing E/S Deer Park Road, 2315 to c/l of Dolfield Road (4929 Deer Park Road) 4th Election District - 3rd Councilmanic District David Rudolph Kessler - Petitioner Case number: 88-268-SPHA

Dear Mr. Kessler:

Please be advised that _ is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid BALTIMORE COUNTY, MARYLAND the property from the time it OFFICE OF FINANCE - REVENUE DIVISION ng itself. MISCELLANEOUS CASH RECEIPT HALL NOT HE ISSUE County, Maryland and forward 113, Towson, Maryland 21204.

1. The Petitioner may rely on this Order as evidence of the existence of a valid, nonconforming use as a Farm; however, Petitioner is hereby made aware that such reliance is subject to expiration of the applicable appellate process from this Order. If, for whatever reason, this Order is reversel, the Petitioner would be required to comply with the final administrative or judicial determina-

2. To the extent the subject property is used for horse breeding, training, and stabling, no more than ten (10) horses shall be stabled on the subject property at any

OF BALTIMORE COUNTY

cc: Peoples Counsel cc: Animal Welfare League of Greater Baltimore, Inc.

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

- 3 -

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section ___ 101 (Formette_definition) to permit more than one horse____ for each acre of grazing or pasture land.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Petitioners have no other location available to them to adequately maintain their horses.

And for other reasons which will be discussed at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this position, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s):

Contract Purchaser David Kudolph Kessler (Type or Print Name) Signature Mary D. Kessler (Type or Print Name) 1 Mar. D. June City and Stale Attorney for Petitioner: 4929 Deerpark Road William B. Bergen, Jr. 922-2694 (Type or Print Name) Owings Mills, Maryland Cay and State 17 Commerce Street Name, address and phone number of legal owner, contract parchaser or representative to be contacted. Baltimore, Maryland 21202 (attorney for petitioner) City and State Attorney's Telephone No.: (301) 539-6841

ORDERED By The Zoning Commissioner of Builtimore County, this of November ... 19 87, that the subject matter of this polition be advertised as Commissioner of Baltimore County in Room 10%, County Office Bailding in Towson, Baltimore

Zoning Commissioner of Ba timore County.

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine when ther or not the Zoning Commissioner and or Deputy Zoning Commissioner should approve _____

a finding of non-conforming use as a farm and/or united boarding place Trior to the implementation of Section 101-General definition Car best heen confinique

.without I year lapse or 752 doubtuckles by fire

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon fil-ing of this Petition, and further agree to and are to be bound by the zoning regulations and restric-tions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	MAD NOV 1
(Type or Print Name)	David Rudolph Kessler (Type or Print Name)	1.0. 4
Signature	Sign sture	200 P
Address	Mary D. Kessler (Type or Print Name)	1000
City and State	Mary De Forseir	N 37,25U
Attorney for Petitioner:		W 61,31
William B. Bergen, Jr.	4929 Deerpark Road 92	2-2694
(Type or Print Name)	Address	Phone No.
William B Berren &	Owings Mills, Maryland City and State	
17 C mmerce Street	Name, address and phone number of tract purchaser or representative to	
Baltimore, Maryland 21202 City and State	(attorney for petitioner) Name	<u></u>
Attorney's Telephone No.: (301) 529-6841	Address	Phone No.

ORDERED By. The Zoning Commissioner of Baltimore County, this day of Arvender, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of January, 19.88, at 2 o'clock P = M

Zoning Commissioner of Baltimore County.

ZCO-No 1

DESCRIPTION

Located in the centerline of Deer Park Road approximately 2315's north of the centerline of political Road and running the

following courses and distances: N 72° 30' E 208.39' thence N 17° 30' W 80.00' thence N 72° 30' E 200.00' thence N 17 30' W 107.00' thence

N 62° 14' W 571.35' thence S 13° 11' & 200.00' thence S 18° 53' F 393,80' to the place of beginning. Also known as 4929 Deer Park Road.

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER PETITION FOR VARIANCE OF BALTIMORE COUNTY E/S Deer Park Rd. 2315' to C/L: of Dolfield Rd. (4929 Deer Park Rd.), 4th Election District : Case No. 88-268-SPHA DAVID RUDOLPH KESSLER, Petitioner ::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices shoul! be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

La Cole Fredman BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION bunsel for Baltimore County MISCELLANEOUS CASH RECEIPT Zuman December, 1987, a copy b William B. Bergen, Jr., representation of the second o

REVISED NOTICE OF HEARING

The Zoning Commissioner of Bal-timore County, by authority of the

Zoning Act and Regulations of Balti-more County, will hold a public

hearing on the property identified below in Room 106 of the County

Office Building, located at 111 W. Chesapeake Avenue in Towson,

Maryland as follows: Petitions for Special Hearing E/S Deer Park Road, 2315' to c/t of

Dolfield Road (4929 Deer Park Road) 4th Election District — 3rd Council-

manic District
David Rudolph Kessler — Petitioner
DATE/TIME: Wednesday, January

Special Hearing — mnc 8 not conforming use as a face

In the event that this Petition is

granted, a building permit may be issued within the thirty (30) day ar

pest period. The Zoning Commis-sioner will, however, untertain any request for a stay of the lasuance of

said permit during this period for good cause shown. Such reques

must be in writing and received it this office by the date of the hearin

set above or presented at the hear-

J. ROBERT HAINES

20, 1968 at 2:00 p.m. Case Number: 88-268-SPH

Peter Max Zimmerman

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on this 20th day of January,

1988, a copy of the foregoing Withdrawal and Entry of Appearance was hand delivered to the office of the People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towner, Maryland 21204 1222.101

J. Rovert Haines

Mr. David Rudolph Kessler 4929 Deepark Road Owings Mills, Maryland 21117 Dennis F. Rasmussen
Court Exercise

Res Petitions for Zoning Variance and Special Hearing E/S Deer Park Road, 2315° to c/l of Dolfield Road (492) Deer Park Road) 4th Election District - 3rd Councilmanic District David Rudolph Kessler - Petitioner Case number: 88-268-SPNA

Dear Mr. Kesslers

Please be advised that ______ is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

> Zoning Commissioner of Baltimore County

cc: William B. Bergen, Jr., Esq.

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland is follows:

Petitions for Zoning Karary and Special Hauring
E/S Deer Purk Rend, 2315° to c/l of Dulfield Rend (4929 Deer Purk Rend) 4th Election District - 3rd Councilmenic District Divid Rudolph Kessler - Petitioner Dite/Time: Withrestry, Functory 20, 1988 at 2:00 p.m. Case number: 88-208-5198

Preserving for Zoning Villance to permit more than one horse for each acre of grazing or pusture.

Petition for Special Henring: re: finding of non-conforming use as a farm-outline around board - one place price to the implementation of & 104 (Formed to definition). Less has been continued without I were lapse on The short road was be forever

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

> Zoning Commissioner of Baltimore County

William B. Bergen, Jr., Esq. Divid Rudolph Kessler Camille Blackburn Elizabeth Kirk/Amrad Welfare League

Murra

CERTIFICATE OF PUBLICATION

and the same of th

TOWSON, MD., Dec 31, 1987 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Dec 31, 1987

THE JEFFERSONIAN,

85-248-514

subject proporty 1924 Bur But De

Gusan Sculew Obrect

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Location of property: F. 1.5 Ducy Pask Di, 2315' to Che of Idjuid il.

(4929 Deer Park, Rd.)

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

REVISED

NOTICE OF HEARING



Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing E/S Deer Park Road, 2315' to c/l of Dolfield Road (4929 Deer Park Road) 4th Election District - 3rd Councimanic District David Rudolph Kessler - Petitioner CASE NUMPER: 88-268-SPH DATE/TIME: WEDNESDAY, JANUARY 20, 1988 at 2:00 p.m. Special Hearing - finding of non-conforming use as a farm.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Springs J. ROBERT HAINES Zoning Commissioner of Baltimore County

THE UNIVERSITY OF MARYLAND

Cooperative Extension Service

TALTIMONE COUNTY OFFICE 9811 Can Baron Laran Cox keysoller Maryland (1000)

September 24, 1987

Ms. Mary Kessler 4929 Deer Park Road Owings Mill, Maryland 21117

Dear Ms. Kessler,

This letter is in reference to your call on September 16, 1987. You stated that you had been reported to the Baltimore Councy Zoning Board for maintaining horses on one acro of pasture or less per horse. During our conversation you stated that you used the pasture land only as an exercise lot; that you fed the horses hay and a grain concentrate. Horses can be maintained very well on hay and grain as long as their basic needs are met; that being the required amount of protein, energy, vicamins and minerals.

After our telephone conversation I visited your tarm on Friday afternoon, September 18, 1987 to check the condition of your horses and to see if they were being fed properly. I found that your animals were in good shape; in fact the two older animals were a little over conditioned. You are feeding them properly as to their basic needs. After talking to you about your feeding program, I find that you are feeding the required amounts of nutrients necessary to properly maintain your animals.

. It I can be of further service, please let we know. Sincerely,

> Francis & Same J. Willian Clark Extension Agent - Agricultural Science BALLE ORE COUNTY

JWC: jr

County Director (301) 6 16 1022

Have a a state and a structure. The solid are to be a structure as a state of the structure of the structure

Baltimore County Department of Health Towsen, Mary and 212(4) 494 27/2 Docad J. Ran M.D., M.P.H.

September 21, 1987

Beginne Name & Evente Hearth Emme



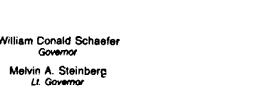
To Thom It May Concern:

In June of 1980, I inspected the stable area of 4929 Peer Park

During this inspection, I found no violations of the Baltimore County Animal laws. I also found no problems with the stable area. It there should be turther questions regarding this stable, please do not hesitate to contact me at 592-6111.

Simerely,

C. J. C. C. The Estern Lospector Carried at Art Albertain



Robert L. Walker

STATE OF MARYLAND DEPARTMENT OF AGRICULTURE Serving People and Maryland's Number One Industry - Agriculture STATE BOARD OF INSPECTION OF HORSE RIDING STABLES

January 19, 1988

Steven Hilsee, Esquire Weinberg & Green; 14th Floor 100 S Charles Street Baltimore, MD 21201

Dear Mr. Hilsee:

I am an inspector for the State Board of Inspection of Horse Riding Stables. As a result of a consumer complaint concerning shelter for horses, I went to investigate the property at 4929 Deer Park Road.

David and Mary Kessler board less than five horses at this address and are not required to be licensed. They also keep some of their own horses. At the time I was there, they had a total of nine horses on this property.

I was invited to look at their facilities. I found the stable and grounds met the standards the Board requires of licensed stables, even though they are not licensed and are not required to be licensed. I further observed that even though they had limited acreage, the Kesslers observed good management

Very Truly Yours,

BAR: lml cc: Dr. Park

MARCOM EXCHANGE 841

TELEPHONE NUMBER (301) 841-5861 50 HARRY S TRUMAN PARKWAY, ANNAPOLIS, MARYLAND 21401 FACSIMILE 841-5770

TELEX-No. 87856

Dennis F. Rasmussen

Towson, Maryland 21204-2586 494-4500

Baltimore County Fire Department

Paul H. Reincke September 22, 1987

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Re: Property Owner: David R. Kessler, et ux

Location: E/S Deer Park Road, 2315' c/1 Dolfield Road

Itam No.: 104 Zoning Agenda: Meeting of 9/22/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
-) 2. A second means of vehicle access is required for the site.
-) 3. The vehicle dead end condition shown at _____
- ;) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Cole prior to occupancy or Leginning of operation.

EXCEEDS the maximum allowed by the Fire Department.

- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Tife Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

Noted and Fire Prevention Bureau Special Inspection Division

NICHOLAS B. COMMODARI ... 3607 Bonview Avenue Baltimore: Maryland 21213 (301) 825-8400 Office (301) 488-8:11 .lome

BACKGROUND AND EXPERIENCE

I worked in the Baltimore County Zoning Office for over twelve years from September, 1973 to January, 1986. The last nine years were in the position of Coordinator of the Development Control Section of the office. As first line supervisor, I not only was responsible for the day-to-day operations of this section, which included supervision of between 6 to 10 employees, but I also had my own specific work responsibilities. These included the review of building permits and site plans for residential, commercial and industrial development, the review of residential and commercial subdivision plans, the preparation of written, personal and telephone responses to citizen inquiries, the review of traders licenses, etc. In short, anyone that entered the County Office Building usually found their way to my office, and I assisted them in their "dilemmas". In addition, I was Chairman of the Zoning Advisory Committee, which is responsible for processing and scheduling hearings before the zoning commissioner, and I represented the zoning office on the County Trucking Facilities Development Officials Committee which reviewed site plans for existing and proposed truck terminals.

In this time, I made many friends and obtained invaluable development experience. However, after more than twelve years of doing the same job, I decided to pursue a career in development consulting/real estate sales. I am now a realtor with Long and Foster (Roland Park Office), and I have started my own development consulting business. While my specialty is zoning issues, I also file for and expedite building permits, provide prospective site location, analysis and dosign, prepare reports on many development matters, including feasibility studies, perform real estate transaction, and so on. In short, I provide interface between the cransaction, and so on. In short, I provide intertace between the government and private sectors in all jurisdictions. While Baltimore County is my specialty, I will travel anywhere. I have been to all the surrounding counties (Anne Arundel, Howard, Harford, Carroll, Montgomery, Prince Georges and the Eastern Shore) and Baltimore City. I am, working on prospective clients in New Jersey, Delaware, New York and Pennsylvania and would welcome the chance to travel anywhere.

Some of my current and prospective clients are Shell Oil, Amoco Oil and McCormick Construction (building permits), Lawyers Title Insurance Corporation, Marriott Corporation and a number of local law firms, engineering firms and developers. I have also assisted a number of private citizens in their development efforts.

I can provide reference from people who I assisted while employed with Baltimore County as well as those whom I am currently providing services for in my consulting/real estate business.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG, 111 W. Chesapeake Ave. Towson, Maryland 21204

Department of

State Poads Commission Bureau of Fire Prevention Health Department Project Planning

Building Department Board of Education Zoning Administration Industrial Development

William B. Bergen, Jr., Esquire 17 Commerce Street Baltimore, Maryland 21202

> RE: Item No. 104 - Case No. 88-268-SPHA Petitioner: David R. Kessler, et ux Petitions for Special Hearing and Zoning Variance

Dear Mr. Bergen:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

January 5, 1988

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours. Zoning Plans Advisory Committee

JED:kkb

Enclosures

N72° 30'E, 200.00 N72º 30'8 208.33'

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

Zoning Commissioner County Office Building Towson, Maryland 21204 October 5, 1987

Meeting of September 22, 1987

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 96, 97, 98, 99, 100, 101, 102, 103, 104, and 105.

> Very truly yours, Michael S. Flan gan

Traffic Engineer Associate II

_268-SP6A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue

Your petition has been received and accepted for filing this

Petitioner David R. Kessler, Et ux Received by: James B. Dyer Chairman, Zoning Plans Advisory Committee

Towson, Maryland 21204 3rd day of November , 1987. recitioner's Attorney

!NTER-OFFICE CORRESPONDENCE

то	James Dyer Zoning Supervisor	Date	9/29/87	
FROM	James Thompson Zoning Enforcement Coordinator			

Item No.: 104 (if known)
SUBJECT Petitioner: KESSLER (if known)

VIOLATION CASE # C-87-1971

LOCATION OF VIOLATION 4929 DEFR PARK ROAD

DEFENDANT DAVID & MARY KESSLER ADDRESS OWINGS MILLS, MD 21117

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

O Elizabeth Kirk, Proident

ADDRESS
The Animal Welfare League of Greater Bullimore, Inc.
P.O. Box 3558
Bultimore, Md. 21214

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines



March 15, 1988

Robert W. Cannon, Esquire Weinberg and Green 100 South Charles Street Baltimore, Maryland21201

> Re: Petition for Special Hearing and Variance Case No. 88-268-SPHA David Rudolph Kessler

Dear Mr. Cannon:

Pursuant to the recent hearing held on the subject case, please be advised that the Petition for Special Hearing and Variance has been Granted. If you have any questions, concerning this matter, please do not hesitate to contact this office.

> J. ROBERT HAINES Person ZONING COMMISSIONER

enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines December 3, 1987 TO Zoning Commissioner Norman E. Gerber, AICP
FROM Director of Planning and Zoning

Zoning Petitions No. 268-SPH, SUBJECT_88-272-SPH, 88-262-SPH

120:12/16/87:2472

RE: PETITION FOR

SPECIAL HEARING

E/S Deer Park Rd.

MARY D. KESSLER

Petitioners

Petitioners.

DAVID RUDOLPH RESCLER,

In view of the subject of this petition, this office offers no comment.

BEFORE THE LONING

BALTIMORE COUNTY

Case No. 88-268-SPHA

COMMISSIONER

Please withdraw the appearance of William B. Bergen,

Weinberg and Green

100 South Charles Street

Baltímóre, Maryland/21201

Reddiring G.Y. Carney/

Weinberg and Green

Telephone: (301) 322-8738

WITHDRAWAL AND ENTRY OF APPEARANCE

Jr., Esquire as attorney for Petitioners and enter the

appearance of Bradford G.Y. Carney, Esquire and Weinberg and

Green on behalf of David Rudolph Kessler and Mary D. Kessler,

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel



WEINBERG AND GREEN ATTORNEYS AT LAW

100 BOUTH CHARLES STREET BALTIMORE, MARTLAND 21201

*ELECTRICAS \$000 312 0003 2000 312 0003

FILE NOMBER

December 16, 1987

(301) 332-8921

BAL TIMORE (301) 33# #600

MASHINGTON AREA 410 1400

WRITER DIRECT DIAL NUMBER

Mr. J. Robert Haines Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Re: Petition for Special Hearing of David Rudolph Kessler and Mary D. Kessler Case No. 88 268-SPHA

Dear Mr. Haines:

I represent Mr. & Mrs. Kessler in the captioned proceeding and wish to withdraw their Petition for a Zoning Variance which is currently scheduled for hearing on Wednesday, January 20, 1988 at 2 p.m. The Kessler's have also filed a Petition for Special Hearing which we would like to amend by deleting our request that there be a finding, in the alternative, that this property would constitute an "animal boarding place" prior to the implementation of Section 101 (farmette definition). Our Petition would therefore only seek a finding of non conforming use as a farm, which use has been continuous without a one year lapse or seventy five percent destruction by fire. This decision was reached after my meeting with Messrs. James Dyer and Jeff Perlow of your office and consultation with Mr. Nicholas B. Commodari, who is assisting me in this matter.

Lastly, I am enclosing an Entry and Withdrawal of Appearance which I would ask that you file in these proceedings.

WEINBERG AND GREEN

Mr. J. Robert Haines December 16, 1987

Your anticipated help and assistance to me in this matter is most appreciated.

329/cwp

Enclosure

cc: Mr. & Mrs. David Kessler Peter Max Zimmerman, Esquite Nicholas B. Commodari Jeffrey Perlow

129:12/14/47:2472

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on this 16th day of December, 1987, a copy of the foregoing Withdrawal and Entry of Appearance was mailed, postage prepaid to Phyllis Cole Friedman, People's Counsel for Baltimore County and Peter Max Zimmerman, Deputy People's Counsel, Room 223, Court House, Towson, Maryland 21204

WEINBERG AND GREEN

ATTORNETS AT LAW WAS NOT THE HAMEES STREET BALTIMORE, MARYLAND 21201

February 2, 1988 🏠

MALT MOVING FIRST STATEMENTS OF MAINTENANCE AND MARKET AND THESE

(301) 332-8816

where the recognitioner is to be a figure and the

J. Robert Haines, Esquire Zoning Commissioner of Baltimore County County Office Building, Room 109

111 West Chesapeake Avenue

Towson, Maryland 21204 Re: Petition for Special Hearing David and Mary Kessler - Petitioners Case No. 88-268-SPH

Commissioner Haines:

In accordance with your request upon the conclusion or the Wednesday, January 20, 1988 hearing, I am enclosing a fract Order for your consideration in connection with the englished Potition for Special Hearing.

The enclosed draft represents a "short-torm" Order to be typed or copied on to the back of the Petition for Special Hearing

I have attempted to incorporate the necessary restrictions and qualifications in the proposed order, however, to would appreciate the opportunity to discuss any specific questions. or comments you may have.

Please do not hesitate to call me (332-8816) after your have had an opportunity to review the enclosed document.

Very truly yours,

2657639 Fnclosure

... David and Mary Resoler

THE ANIMAL WELFARE LEAGUE OF GREATER BALTIMORE, INC. formerly WORKERS FOR ANIMAL PROTECTION, INC.

P. O. BOX 3558 - BALTIMORE, MARYLAND 21214 January 4, 1988

Mr. Robert Haines Zoning Commissioner Office of Planning & Coming

Towson, Maryland 21204

Ra: Notice of Hearing Wad., Jan. 20, 1989 2 p.m. Petitioner-David R. Kesslar

To whom it may concern:

Please be advised of the position of our organization in the above listed

Complaint was received by several annenymous people regarding possible excess number of animals on property in regards to zoning regulations. Complaint was filed by our organization with the zoning commission along with a list of information regarding zoning regulations concerning horses vs. acraega in Eulto. County. So far this has been the extent of our in-

We have no objections to a special variance or permit being granted provided. animals on the property are properly housed and/or sheltered and cared for in accordance with animal control rules and regulations. We would like, howaver, that if variance is granted that any infraction of roller and regulations be grounds for revocation of permits, atc.

Sincerely yours,

Climbeth Kirk, Pres.

2.K./N.M.

100 South Charles Street Baltimore, Maryland 21201 Télephone: (301) 332-8921 Attorneys for Petitioner

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